# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

----- In the Matter of -----)

INTERCONTINENTAL COMMUNICATIONS ) GROUP, INC., dba FUSION TELECOM )

Notice of Failure to Comply With Hawaii Revised Statutes and Commission's Regulations Order to Show Cause Why Respondent's Operating Authority Should Not Be Suspended or Revoked.

DOCKET NO. 03-0339

### DECISION AND ORDER NO. 21167

Filed July 22, 2004 At 11:00 o'clock A.M.

Chief Clerk of the Commission

ATTEST: A True Copy KAREN HIGASHI Chief Clerk, Public Utilities Commission, State of Hawaii.

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Docket No. 03-0339

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#### DECISION AND ORDER

The commission ordered INTERCONTINENTAL COMMUNICATIONS GROUP, INC., dba FUSION TELECOM ("Respondent") to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 26, 2003 to show cause why Respondent's certificate of authority ("COA") should not be suspended or revoked for failure to file its 2001 annual financial report, pursuant to Hawaii Administrative Rules ("HAR") § 6-80-91, and pay a public utility fee that was due on July 31, 2002 and December 31, 2002, pursuant to Hawaii Revised Statutes ("HRS") § 269-30. The commission notified Respondent that its

¹The commission notified Respondent of the November 26, 2003 hearing by serving Order No. 20540 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to HAR § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to Respondent's last known address, or to

COA would be revoked if it failed to appear at the scheduled hearing.

On November 26, 2003, Respondent failed to appear before the commission's hearings officer. As a result, hearings officer recommended that the commission render the following findings and conclusions: (1) Respondent be found in default for failure to appear at the hearing and (2) Respondent's COA be revoked.

Based on the above, the commission finds that Respondent has not complied with Order No. 20540, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.

THE COMMISSION ORDERS that Respondent's COA is revoked.

03-0339

Respondent's attorney. Additionally, pursuant to HRS § 91-9.5, the commission provided Respondent with notice of the hearing via statewide publication in newspapers of general circulation on November 3 and November 10, 2003.

## DONE at Honolulu, Hawaii this 22nd day of July, 2004.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By\_

Carlito P. Caliboso, Chairman

BY//MMA

Wayne H. Kimura, Commissioner

By\_

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni Commission Counsel

03-0339.cs

# CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 21167</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
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1801 S. Federal Highway, Suite 305
Delray Beach, FL 33483

(CM #7002 2030 0006 6812 6885)

INTERCONTINENTAL COMMUNICATIONS GROUP, INC., dba FUSION TELECOM
Technologies Management Inc.
P. O. Drawer 200
Winter Park, FL 32789-0200

(CM #7002 2030 0006 6812 6878)

Raren Higashi

DATED: July 22, 2004